

FILED  
IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA  
OCT 20 PM 3:28  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Walter Redmond  
Plaintiff

v.  
San Francisco Police Dept.  
City of San Francisco  
County of San Francisco et al,  
Defendants

CASE#: C 07 4276 CW (PR)  
MOTION TO  
REQUEST "PRE-  
TRIAL-DISCOVERY"  
"INTERROGATORIES"

[Walter Redmond] hereby declares:

I am the plaintiff herein. I hereby respectfully request the court order defendants to answer plaintiffs first set of interrogatories, under oath and the answers be signed by the person making them, and be served on plaintiffs within 30 days of services of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state the answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information arrives and materializes.

Walter R. Redmond 11-17-07

In the United States District Court  
For the Northern District of California

Walter Redmond

PLAINTIFF'S  
FIRST SET OF  
INTERROGA-  
TORIES TO  
DEFENDANTS

v.  
SAN FRANCISCO POLICE DEPT. @ TENDERLOIN  
STATION (NARCO SQUAD @ DAY SHIFT)

CITY AND COUNTY OF SAN FRANCISCO et al,  
Defendants

In accordance with rule 33 of the Federal Rules of Civil Procedure, Plaintiff requests that Defendants answer the following interrogatories under oath, and the answers be signed by the person making them, and be served on plaintiffs within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state the answer to the extent possible, specifying your inability to answer, to the extent possible, the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing so as to require supplemental answers as new and different information materializes.

#1.

Did officers put Mr. Redmond in a full-nelson choke-hold seconds after leaping from the vehicle, assuming he had swallowed a large amount of drugs (heroin or cocaine-<sup>crack</sup>-rocks) that he was selling?

#2.

Did they choke Mr. Redmond unconscious in front of several witnesses?

#3.

Was Mr. Redmond choked unconscious by the 6'3" white male agent, while the other three agents held his arms?

#4.

Do these officers have a "record" for excessive force, and brutality with Office of Citizens Complaints, Internal Affairs, A.C.L.U.?

#5.

Did the officers put this information concerning them choking Mr. Redmond in their police reports or did they omit this excessive force?

#6.

Did they in-fact not retrieve any of the heroin or cocaine/crack he assumed he swallowed, because he did not cough anything up because he had in-fact not swallowed anything?

#7.

Mr. Redmond never coughed any drugs up, as they thought he would, if they applied excessive force?

#8.

Did they find Salt Lake City, UT. I.D. on Mr. Redmond?

1.5 #9 Did he (Mr. Redmond) tell them he had just returned here for a visit, four days earlier by greyhound for a visit only?

#10 Do officers know many individuals in jail talk about the abuse, and "excessive force" these agents use, knocking some girls teeth out a couple years back, and she was a minor - under age?

#11. What do these officers remember about the incident?

#12. Why did they not add this incident in the police report?

#13 Did they know Mr. Redmond went to S.F. General about his neck, and excruciating pain, being 50 years old, and strangled unconscious?

#14 When the swing-shift narco-agent (red head) picked Mr. Redmond up from general hospital, actually when he arrived, did he not make sarcastic intimidating remarks, trying to persuade Mr. Redmond from saying/complaining about his neck pain?

#15 Does these four agents if encountered have any other civil rights violations litigations pending, state or federal, or complaints with the O.C.C.?

#16 Have these four agents in question, ever been disciplined?

#17. Why did you omit choking (fall-nelson) Mr. Redmond from your police report, knowing there were several witnesses observing this incident 9-14-67.

- #18 Would these officers drive-up to someone on Market St. @ Battery, or Market St @ Spear St, or anywhere in the Embarcadero, and jump out of the car, and choke someone out cold? "Totally unconscious," as I was, then did not retrieve any drugs they assumed I swallowed?
- #19 Before that day, had they ever seen me in that area, (mind you it was Sunday morning 9-18-07) hanging-out, loitering, as the "locals" whom they know, the "regulars", whom also know them?
- #20 Did they not retrieve Salt Lake City, Utah I.D. from my pocket, where I've resided, and worked since 2003, as a telemarketer, for "Dial America," "Skill Staff Construction," "Teleperformance," "Labor Ready," ~~Red~~, "SKYBOX" Restaurant, four years, in spite of what that foul probation recommendation paper said, all lies, "career" criminal, I've worked all my life, at 50, (Institutionalized Professionals), call these companies and learn about my Salt Lake City employment, if the "truth" is truly of any interest to this San Francisco System. Your district attorney didn't state almost all of my cases dating back to 1977 "WERE DISMISSED"!.. I lived in Walnut Creek from 1999-2003, employed as a security officer at Sunvalley Mall. Check the records! Your officers here in San Francisco, and court personnel are corrupt! (Institutionalized inner-city) (professionals - victims!)
- Walter Redmond  
P.O. Box 67 10-5-07



Report Type: Initial

## INCIDENT REPORT

070712990

Incident Number 070-712-990	Occurrence from Date/Time 07/15/07 10:57	Occurrence to Date/Time	Reported Date/Time 07/15/07 10:57	CAD Number 071961614
Type of Incident Warrant Arrest, Local SF Warrant -63010				
Location of Occurrence 275 Turk St St At Intersection with/Premise type Sidewalk				
Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>
Domestic Violence? <input type="checkbox"/> (Type of Weapon Used)				Reporting Unit 3135
Location Sent OnView				
How Cleared? 6	Reported to Bureau	Name	Star	Date/Time
Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	

COP

070712990

DECLARATION	I declare under penalty of perjury, this report of 3 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.				
	PROP 115 CERTIFIED 5 YEAR/POST Signature: <i>[Signature]</i>				
	Reporting Officer Michaud, Brian D Star 1940		Station Tenderloin Station		Watch 0600-1600
	Reviewing Officer Sergeant Kevin E. Phipps #446 STAR		Station Co. J		Watch 06:06
	OIC LT. MICHAEL FLYNN, #090-810 STAR		Station		Watch
Related Case 630338727		Related Case		Re-Assigned to Copies to 5G200	
		Assigned to 5G200		Assigned by	
		Add'l Copies			

Code R 1	Name (Last, First Middle) SFPD 1940,915,1777,149		Alias	
Day Phone	Type	Home Address	City	State
Night Phone	Type	Work Address	City	State
DOB / Age	DOB Unk. <input type="checkbox"/>	or age between and	Race	Sex
Height	Weight	Hair Color	Eye Color	ID Type Jurisd. ID No.
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>
School (if Juvenile)		Injury/Treatment	Other Information/If Interpreter Needed Specify Language	

Code B 1	Name (Last, First Middle) Redmon, Walter		Alias ATLAS	
Day Phone	Type	Home Address No Local	City	State
Night Phone	Type	Work Address	City	State
DOB Unknown <input type="checkbox"/>	Date of Birth 11/23/56	Age 50	or age between and	Race B
Sex M	Height 5'08	Weight 165	Hair Color BLK	Eye Color BRO
SFNO 326999	ID# (if Juv.)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
Book Section #1 4/11357(3X)	Book Section #2 1203.2A	Book Section #3	Book Section #4	Book Section #5
Warrant # S681671	Court # 2098874	Action # 196941	Dept 22	Enroute to
Warrant Violation(s) 11352A HS		Bail 0	Mirandized <input type="checkbox"/>	Star
Citation #	Violation(s)	Appear Date/Time	Location of Appearance	
Book/Cite Approval Sgt Darcy	Star 115	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (if Juvenile)
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos				<input type="checkbox"/> CA Form Booked Copy Attached

# MEMO #

The Eighth Amendment forbids "cruel and unusual punishment" and is probably the most important amendment for prisoners. It has been interpreted to prohibit excessive force and guard brutality, as well as unsanitary, dangerous or overly restrictive conditions. It is also the source for your right to medical care in prison.

Courts have held that "excessive force" by guards in prisons constitutes cruel and unusual punishment. In a very important Supreme Court case called *Hudson v. McMillian*, 503 U.S. 1 (1992) the Supreme Court found a violation of the Eighth Amendment when prison officials punched and kicked a prisoner, leaving him with bruises, swelling of his face and, loose teeth. The courts held that the guard's use of force violates the Eighth Amendment when it is -NOT- applied "in a good faith effort to maintain or restore discipline", but instead is used to "maliciously and sadistically cause harm."

In other words, "excessive force" is any physical contact by a guard/officer that is meant to cause harm, rather than keep order. To decide what force is excessive, judges consider:

1. THE NEED FOR FORCE
2. WHETHER THE AMOUNT OF FORCE USED WAS REASONABLE GIVEN THE NEED

#2. Case 4:07-cv-04276-CW Document 25 Filed 11/29/2007 Page 8 of 10  
cont. (3.) HOW SERIOUS THE NEED FOR FORCE APPEARED TO THE GUARDS

(4.) WHETHER THE GUARD MADE EFFORTS TO USE AS LITTLE FORCE AS NECESSARY, AND

(5.) HOW BADLY YOU WERE HURT

Under the PLRA, you cannot recover compensatory money damages for mental or emotional injury, unless you have a physical injury also. You may be able to get "punitive damages", or "nominal damages." We explain this issue, and the difference between the three types of damages later.

The state of mind of the prison officials is important in excessive force cases. Courts have found a violation of the Eighth Amendment where prison officials were responsible for "the unnecessary and wanton infliction of pain."

"Wanton" means malicious, or uncalled-for. For example, one court found an Eighth Amendment violation when an officer repeatedly hit a prisoner, even though the prisoner had immediately obeyed an order to lie face down on the floor, and was already being restrained by four other officers. *ESTATE OF DAVIS BY OSTENFELD V. DELCO*, 115 F.3d 1388 (8<sup>th</sup> Cir. 1997).



"Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory, or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress..."

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070712990

San Francisco Police Department

## NARRATIVE

While driving west on the two hundred block of Turk St Officers I. Michaud #915, Lew #1777, Minner #149 and I saw (B) Redmond standing in front of 275 Turk St. Redmond was talking with another male and when they saw us they quickly separated and walked away in different directions. Redmond was holding US Currency in his right hand. Having made numerous arrests in this area for the sales and possession of narcotics we believed we had just interrupted a narcotics transaction. We detained Redmond to investigate and a computer check revealed the above outstanding warrant and that he is on active probation with a search condition (CRT# 2098874). Redmond was placed under arrest. During an arrest search I found in his front right pants pocket a bottle that contained sixteen pills of suspected clonazepam. Redmond was transported to Tenderloin Station where Vic #64 at CWB confirmed the warrant. Redmond was booked on the above charges. Officer I Michaud booked the suspected narcotics at Tenderloin Station.

THIS IS THE POLICE REPORT OF THE DAY IN QUESTION, AND AS YOU WILL NOTICE THE ENTIRE PART OF THE OCCURANCE, WHERE I WAS "CHOKED UNCONCIOUS" IN AN EFFORT TO RETRIEVE DRUGS THEY ASSUMED I SWALLOWED, BECAUSE OF THE AREA I WAS IN, WAS TOTALY OMITTED FROM THE POLICE REPORT! THE ENTIRE HOSPITAL FILE ABOUT MY NECK IS @ S.F. GENERAL, AND THERE WERE MANY WITNESSES THERE WHEN I AWOKE ON THE GROUND TO HEAR ALL FOUR AGENTS ARGUING BECAUSE I VOMITED ABSOLUTELY NO DRUGS UP, BECAUSE I SWALLOWED NONE.

P.S. There's a news clipping in this envelope I would like put into my file for later use at court. The clipping involves an officer.

Walter Redmond  
10-12-07